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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,257

09/29/2003

John Cooper

1508

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23518

7590

09/21/2005

KEY SAFETY SYSTEMS, INC.
PATENT DEPARTMENT
7000 NINETEEN MILE ROAD
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EXAMINER

ROSENBERG, LAURA B

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,257

Applicant(s)

COOPER ET AL.

Examiner

Laura B. Rosenberg

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 1-3 are objected to because of the following informalities:

"the occupant" should be changed to --an occupant-- (claim 1, line 3).

Claims 2 and 3 cannot depend from each other. The examiner recommends changing claim 2 to depend from claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Wetzel et al. (5,131,681). Wetzel et al. disclose an occupant safety restraint system (best seen in figure 1) comprising:

- First occupant protection system having at least one seat belt (including multi-point seat belt system #3) able to be moved about an occupant (best seen in figure 1)

Art Unit: 3616

- Second occupant protection system comprising a lower leg protection system (including knee protection) including a deployable knee bolster (including #16) able to protect a portion of the lower extremities of the occupant
- First means (for example, including #8) for deactivating the second occupant protection system based upon the operational state of the first occupant protection system (column 2, lines 26-39)
- Sensor means (for example, including #12) for generating a deactivation signal upon occurrence of certain conditions (for example, when the seatbelt is latched)
- Sensor means including a first sensor (for example, including #6) able to generate the deactivation signal on the latching of a seat belt tongue (including #4) within a corresponding buckle (including #5)
- Deactivation means (including the actuator #8 moving the knee bolster #16 from its deployed position to its retracted position) responsive to the deactivation signal and able to deactivate the knee bolster (columns 2-3)
- Weight sensor (including #22) able to determine the presence of a seated occupant

4. Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper (6,494,284). Cooper discloses an occupant safety restraint system (best seen in figure 1) comprising:

- First occupant protection system having at least one seat belt (not shown, but discussed in columns 8-9) able to be moved about an occupant

Art Unit: 3616

- Second occupant protection system comprising a lower leg protection system (including knee bolster module) including a deployable knee bolster (column 3, lines 37-48) able to protect a portion of the lower extremities of the occupant
- First means (for example, including #68, 90) for deactivating the second occupant protection system based upon the operational state of the first occupant protection system (column 8, lines 40-45; column 9, lines 1-11)
- Weight sensor (for example, including #64, 66) able to determine the presence of a seated occupant

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kracht et al. (5,374,105). Kracht et al. disclose an occupant safety restraint system (best seen in figure 1) comprising:

- First occupant protection system having at least one seat belt (not shown, but mentioned throughout column 5) able to be moved about an occupant
- Second occupant protection system comprising a lower leg protection system (including deployable panel) including a deployable knee bolster (including #18) able to protect a portion of the lower extremities of the occupant
- First means (including #102, 108) for deactivating the second occupant protection system based upon the operational state of the first occupant protection system (column 5, lines 47-51)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzel et al. (5,131,681) in view of Thomas et al. (6,520,537). Wetzel et al. do not disclose the first means including a lower leg proximity sensor able to generate the deactivation signal.

Thomas et al. teach an occupant safety restraint system (including various sensors and safety restraints illustrated in the drawings) comprising:

- First occupant protection system having at least one seat belt (not shown, but discussed in column 4, lines 57-60) able to be moved about an occupant
- Second occupant protection system (for example, including an air bag system)
- First means (for example, including controller #166) for deactivating the second occupant protection system based upon the operational state of the first occupant protection system (column 4, lines 57-60)
- First means includes a lower leg proximity sensor (for example, including sensor array #152) able to generate the deactivation signal

It would have been obvious to one skilled in the art at the time that the invention was made to modify the first means of Wetzel et al. with the lower leg proximate sensor of Thomas et al. in order to more optimally deploy, or prevent deployment of, an

Art Unit: 3616

occupant protection system based on the location of the vehicle occupant with respect to the occupant protection system (column 5, line 66-column 6, line 17).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young, Faigle et al., Fischer, Stopczynski, and Meduvsky et al. each disclose an occupant safety restraint system including a deployable knee bolster and a seat belt sensor that can control activation of the safety restraint system based on operational state of seat belt.


Becker and Knox each disclose an occupant safety restraint system including a deployable knee bolster, a seat belt sensor, and means for deactivating the deployable knee bolster based upon the operational state of the seat belt.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura B Rosenberg
Patent Examiner
Art Unit 3616

LBR

 9/16/05
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